

Committee Room,

Austin, Texas, Feb. 10, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 51, A bill to be entitled "An Act to create Maverick County Water Control and improvement District Number 1 embracing lands in the county of Maverick in the State of Texas, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution; and defining its boundaries; validating and approving all orders made by the board of directors and other authorities, in respect of the establishment or organization of said district as well as all proceedings had in respect of the election and or appointment of officers therefor; validating and approving all orders made and contracts executed by the board or directors of said district in respect to any matter or subject pertinent to the creation, establishment, organization, maintenance and or operation of said district; validating the authorization and voting of certain bonds thereof and taxes authorized for their payment and providing for the issuance of said bonds and for their payment by the annual levy, assessment and collection of taxes upon all taxable property in said district; validating and approving notices, reports, orders, resolutions, extensions and decrees of the board of directors and other proper officials, and official boards and or courts in respect of said district, the bonds and or taxes thereof, or certified copies thereof and constituting such orders, reports, notices, resolution and decrees as legal evidence; enacting other provisions incident and necessary to the subject and purpose of this Act; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARRISH, Vice Chairman.

Committee Room,

Austin, Texas, Feb. 10, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 55, A bill to be entitled "An Act to validate the extension of the corporate limits of cities having a population of not less than 11,000 and not more than 11,500, according to the 1920 United States Census, and located in counties situated on a boundary of the State of Texas, either wherein said extension of territory was attempted under statutes providing for the consolidation of cities of more than 5,000 population, and wherein in the act of extending said corporate limits said city has included all of the territory of an adjoining city of less than 5,000 and/or wherein said extension of territory was attempted under charter provisions which provide for the annexation of adjoining territory without specific reference to the fact that the adjoining territory is included in an incorporated city, and to validate all proceedings, actions, resolutions, elections, and ordinances taken or made in reference thereto and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

BERKELEY, Chairman.

SEVENTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 11, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Holbrook.
Berkeley.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	Martin.
Hardin.	McFarlane.

Miller.	Thomason.
Moore.	Westbrook.
Neal.	Williamson.
Parrish.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	

Absent—Excused.

Cousins.	Small.
Greer.	Stevenson.
Parr.	Woodward.

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix)

Bills and Resolutions.

By Senator Woodward:

S. B. No. 68, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the Commissioners, the manner of payment

thereof; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 69, A bill to be entitled "An Act making it unlawful for the officers or trustees of any independent school district in this State to collect or receive from any non-resident high school pupil, residing in a school district having no high school, or from any other person for or on account of such student, any tuition or other compensation aside from that paid, either by the district in which such non-resident student resides, or by the State of Texas in accordance with the laws of this State. When the State Board of Education shall be advised of the violation of this Act by any such officers or trustees, it shall withhold State funds from the district in which such violation occurs unless and until any and all such tuition or compensation collected from non-resident students in violation of this Act, shall be refunded to the person or persons paying the same, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Cousins:

S. B. No. 70, A bill to be entitled "An Act ratifying and validating Liberty County Drainage District No. 2, Liberty County, Texas; converting said District into a Conservation and Reclamation District, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant

thereto; determining that the Constitutional notice required for the enactment of local or special laws has been given in the manner and form required by law; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Cousins:

S. B. No. 71, A bill to be entitled "An Act ratifying and validating Old River Drainage District of Liberty County, Texas No. 1, in Liberty County, Texas; converting said district into a Conservation and Reclamation District, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said District was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the constitutional notice required for the enactment of local or special laws has been given in the manner and form required by laws; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Cousins:

S. B. No. 72, A bill to be entitled "An Act ratifying and validating Liberty County Improvement District No. 1, in Liberty County, Texas; converting said District into a Conservation and Reclamation District, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determin-

ing that the conversion of said district into a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the constitutional notice required for the enactment of local or special laws has been given in the manner and form required by law; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Neal:

S. B. No. 73, A bill to be entitled "An Act to provide for the maintenance of county administration of the public free schools to be prorated to all of the schools of the county and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 74, A bill to be entitled "An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas, the same being the North half of Block No. (123) one hundred and twenty-three, in the City of Austin, Travis County, Texas; fixing and declaring the value of all improvements on said lot and providing for payment to Travis County for said improvements; fixing the time within which Travis County must vacate said property; making the necessary appropriation out of the State Treasury; and declaring an emergency."

Read first time and referred to Committee on Land and Land Office.

By Senator Love:

S. B. No. 75, A bill to be entitled "An Act requiring all public school property to be insured against loss by fire, tornado, hail and wind-storm, and providing the necessary means, funds and regulations to that end, and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator McFarlane et al:

S. B. No. 76, A bill to be entitled "An Act to aid in the collection of taxes on notes, bonds, or other securities or evidences of debt; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Cousins:

S. B. No. 77, A bill to be entitled "An Act amending subdivision 1, Article 199, Title 8 of the Revised Civil Statutes of the State of Texas, which subdivision relates to the district court of the First Judicial District of Texas, and to fix the number of terms and the places and time for holding said court; and to conform all writs and process from such court to such changes, and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of said Court as herein fixed, and to validate the drawing and selection and the summoning of all grand jurors for said court; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Williamson:

S. B. No. 78, A bill to be entitled "An Act amending Title 88 of the Revised Civil Statutes of Texas of 1925, by adding thereto an article to be known as Article 5432a, defining libel as applied to statements made over and through a radio broadcasting station, providing a penalty, defining radio broadcasting station, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

Senators Excused.

Senator Small, on motion of Senator Parrish, was excused indefinitely on account of illness.

Senator Greer, on motion of Senator McFarlane, was excused indefinitely on account of illness in his family.

Buster Goode Presented.

The Chair presented to the Senate Master Buster Goode of San Angelo.

S. C. R. No. 11.

Senator Wirtz sent up the following resolution:

Resolved, That S. B. No. 33 be returned to the Senate for further consideration and correction.

WIRTZ.

Read and adopted.

Senate Bill No. 51.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Berkeley:

S. B. No. 51, A bill to be entitled "An Act to create Maverick County Water Control and Improvement District Number 1, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 51 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Gainer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, February 1, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 2, A bill to be entitled "An Act relating to the prison system of Texas, and providing for the rehabilitation, renovation and concentration of the prison system of the State of Texas on the present site of the central prison and walls in the city of Huntsville, in Walker County, Texas," etc.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 55.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Beck:

S. B. No. 55, A bill to be entitled "An Act to validate the extension of the corporate limits of cities having a population of not less than 11,000 and not more than 11,500 according to the 1920 United States census, and located in counties situated on a boundary of the State of Texas, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 55 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Senate Bill No. 16.

The question recurred on the amendment to the amendment to S. B. No. 16.

The amendment to the amendment was lost by the following vote:

Yeas—11.

Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Thomason.
Hornsby.	Williamson.
Martin.	Wirtz.
Miller.	

Nays—11.

Berkeley.	Neal.
Holbrook.	Parrish.
Hyer.	Westbrook.
Love.	Witt.
McFarlane.	Woodward.
Moore.	

Absent.

Beck.	Patton.
Hardin.	

Absent—Excused.

Greer.	Small.
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(Pairs Recorded.)

Senator Woodul (present) who would vote nay, with Senator Parr (absent) who would vote yea.

Senator Cousins (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

The question recurred upon the motion for previous question on the original amendment. The previous question was ordered.

The amendment was lost by the following vote:

Yeas—8.

DeBerry.	Russek.
Gainer.	Thomason.
Hornsby.	Williamson.
Martin.	Wirtz.

Nays—14.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
Holbrook.	Pollard.
Hyer.	Westbrook.
Love.	Witt.
McFarlane.	Woodward.

Absent.

Hardin.	Patton.
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Absent—Excused.

Small.

(Pairs Recorded.)

Senator Cousins (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Miller (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator Woodul (present) who

would vote nay, with Senator Parr (absent) who would vote yea.

Senator Pollard received unanimous consent to withdraw the motion for previous question on the passage of the bill.

On motion of Senator Love, the vote by which his amendment was adopted yesterday was reconsidered and Senator Love withdrew the amendment, sending up the following statement:

Mr. President: I move the reconsideration of the vote by which the Senate on yesterday adopted the amendment offered by myself to S. B. No. 16, for the reason that I am convinced that such amendment is unnecessary for the purpose of the bill, and would not change its legal effect.

LOVE.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 16 by adding the word "State" ahead of the words "Executive Committee," of the words "Primary Committee" and of the words "primary election officer," and by striking out the words "political party."

WIRTZ.

Read and lost.

Senator DeBerry sent up the following amendment:

Amend S. B. No. 16 by adding to Section 1 the following:

"Provided that any petition for such writ under the terms of this Act prescribed to any Court of Civil Appeals shall be presented to the court of the district in which the controversies or proceedings are pending."

DeBERRY,
WOODWARD.

Read and adopted.

On motion of Senator Love, the previous question was ordered on the further consideration of the bill.

The bill passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 16 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Cousins.
Berkeley.	Cunningham.

DeBerry.	Parrish.
Hardin.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Witt.
Moore.	Woodward.
Neal.	

Nays—2.

Gainer.	Wirtz.
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Absent—Excused.

Greer.	Stevenson.
Parr.	Woodul.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	McFarlane.
Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
Martin.	Woodward.

Nays—1.

Wirtz.

Present—Not Voting.

Russek.

Absent—Excused.

Greer.	Stevenson.
Small.	

(Pair Recorded.)

Senator Woodul (present) who would vote yea, with Senator Parr (absent) who would vote nay.

House Bill Referred.

H. B. No. 2 referred to Committee on Penitentiaries.

Senate Bill No. 1.

The Chair laid before the Senate on its third reading the following bill:

By Senator Witt:

S. B. No. 1, A bill to be entitled "An Act providing for the reorganization of the penitentiary of the State of Texas; for the purchase of lands therefor; for construction of a central prison plant; providing for the disposition of the present penitentiary properties at Huntsville, Texas, and of certain of the farms now owned by the prison system; creating a special commission to select a proper site for said new prison plant, and to contract for and supervise the construction thereof, and defining the powers of said Commission; providing for the manufacturing and supplying to the Board of Control merchandise and supplies for State use by the Prison System; authorizing and directing the State Board of Control and the State Highway Commission to purchase from the State Prison Board certain materials, supplies and labor needed for State use; making an appropriation to be used in carrying out the provisions of the Act, and declaring an emergency."

On motion of Senator Witt, the bill was laid on the table subject to call.

Senate Bill No. 14.

The Chair aid before the Senate on its second reading the following bill:

By Senator Patton:

S. B. No. 14, A bill to be entitled "An Act to authorize the Commissioner of the General Land Office to accept and award all applications for the repurchase of public school land located in Montgomery County, Texas, forfeited and reappraised under Chapter 94, an Act approved March 19, 1925, and as amended by Chapter 25, an Act approved October 27, 1926, for which applications or the first payment therefor were filed in the Land Office after the expiration of the time allowed by law for the filing thereof, but for which applications and the first payment were so filed; such acceptances and award to be subject to existing rights of any third party who may have filed oil and gas applications thereon."

The bill was read second time and passed to engrossment.

On motion of Senator Patton the

constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 14 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Harkin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Senate Bill No. 11.

Senator Westbrook called up from the table the following bill:

By Senator Westbrook:

S. B. No. 11, A bill to be entitled "An Act amending Article 1052, Title 15, Chapter 3 of the Code of Criminal Procedure of Texas of 1925 as amended by Chapter 55, General and Special Laws, First Called Session, Forty-first Legislature, so as

to increase the amount of the fee of each justice of the peace for each criminal action tried and finally disposed of before him; and declaring an emergency."

Senator Love moved to reconsider the vote by which his amendment to the bill was adopted. The motion prevailed.

Senator Love sent up the following substitute for the amendment.

Amend S. B. No. 11, Section 1, by inserting after the words "three dollars" and before the words "such judge" the following: and provided further that in counties having two hundred thousand population or more the county shall pay only two dollars and fifty cents to the county judge or judge of the court at law or to any justice of the peace whose precinct lies in whole or in part in a city of one hundred and fifty thousand population or more."

LOVE.

The substitute was read.

Senator Holbrook sent up the following amendment to the substitute:

Amend S. B. No. 11 by adding at the end of Section 1 of said bill the following:

"Provided, however, that this bill shall not apply to or affect any county in the State having a city with a population of more than 44,000 and not over 45,000 according to the last United States census."

HOLBROOK.

Read and adopted.

The substitute as amended was adopted.

The question recurred upon Senator Small's amendment. The amendment was read.

Senator Woodward sent up the following amendment to the amendment:

Amend the amendment by striking out the word "collected" and substitute therefor the word "satisfied."

WOODWARD.

Read and adopted.

The amendment as amended was adopted.

The bill as amended passed to engrossment by the following vote:

Yeas—16.

Beck.	Holbrook.
Berkeley.	Hornsby.
Hardin.	Hyer.

Love.	Thomason.
Martin.	Westbrook.
Moore.	Williamson.
Neal.	Witt.
Parrish.	Woodul.

Nays—7.

Cousins.	Miller.
Cunningham.	Pollard.
DeBerry.	Russek.
McFarlane.	

Present—Not Voting.

Wirtz.

Absent.

Gainer.	Woodward.
Patton.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.

Nays—1.

Miller.

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Read third time and finally passed.

Senate Bill No. 22.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Parrish:

S. B. No. 22, A bill to be entitled "An Act providing for a county depository for trust funds in the pos-

session of county and district clerks, providing the manner of selection and designation of same and paying out said funds and liability of depository for failure to pay checks, etc."

Read second time.

Senator Hyer sent up the following amendments:

Amend S. B. No. 22, page 3, lines 8, 9, 10 and 11, so that the same shall hereafter read as follows after the period on line 8:

"The interest upon such funds shall be computed upon daily balances to the credit of such individual owners of said trust funds, and shall be payable upon withdrawal to the legal owners of such funds, when said trust funds have been on deposit with said clerks for a period in excess of three days."

And amend the caption to correspond therewith.

HYER.

Read and adopted.

Amend S. B. No. 22, page 4, Section 4, line 5, by striking out the word "bond," and inserting in lieu thereof the following words:

"Depository has qualified as provided by law."

And amend the caption to correspond therewith.

HYER.

Read and adopted.

Amend S. B. No. 22, page 3, Section 3, line 15, by striking out all words after "Funds" in line 15, and by striking out the remainder of said page 3, and lines 1, 2, 3 and 4 on page 4, and inserting after the word "Funds" on line 15, page 3, the following words:

"In the same manner as now provided by law for qualification as county depository."

And amend the caption to correspond.

HYER.

Read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 22 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Berkeley.
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Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
Martin.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Senate Bill No. 31.

Senator Pollard received unanimous consent to take up S. B. No. 31.

Recess.

On motion of Senator Holbrook the Senate, at 12:05 o'clock, recessed until 2:00 o'clock.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 31.

The Chair laid before the Senate on its second reading the following bill:

By Senator Pollard:

S. B. No. 31, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them, etc., and declaring an emergency."

Read second time and passed to engrossment.

Senator Westbrook moved to reconsider the vote by which the bill was engrossed. The motion prevailed.

Senator Westbrook sent up the following amendment:

Amend S. B. No. 31 on page 2 by adding to the appropriation for the Agricultural and Mechanical College of Texas the following, and amend the caption to conform:

For the establishment of Substation No. 18, Ninth Senatorial District, authorized by S. B. No. 511, passed by the Regular Session of the Forty-first Legislature:

For the year ending
August 31, 1930:

Buildings:

Superintendent's residence	\$3,500.00
Assistant's cottage	2,500.00
Two laborers' cottages	3,000.00
Calf barn	600.00
Bull barn and pens	400.00
Barn for work stock	1,500.00

Equipment:

Power and light installation	1,000.00
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Total	\$12,500.00
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(Note: The items requested above are items vetoed by the Governor from the appropriation bill passed by the last session of the Legislature and are necessary for the establishment and efficient operation of Substation No. 18.)

WESTBROOK.

The amendment was read.

S. C. R. No. 10.

Senator Love received unanimous consent to take up

S. C. R. No. 10, pledging support to certain efforts to improve agricultural conditions.

On motion of Senator Moore, the previous question was ordered.

The resolution was adopted.

Senate Bill No. 31.

The question recurred upon the amendment to S. B. No. 31.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Pollard.
Hornsby.	Russek.
Hyer.	Thomason.
Love.	Westbrook.
Miller.	Witt.
Moore.	Woodul.
Neal.	

Nays—5.

Cousins.	Holbrook.
Cunningham.	Wirtz.
DeBerry.	

Absent.

Hardin.	Williamson.
Martin.	Woodward.
McFarlane.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

Senator Thomason moved to lay the bill on the table subject to call. The following amendments were sent up to be laid on the table with the bill:

Amend S. B. No. 31, page 3, of the printed bill by inserting between lines 24 and 25 the following:

"Equipment and steam connections for dormitories, that were provided for in Senate Bill No. 62, passed at the First Called Session, Forty-first Legislature, for the year ending August 31, 1931—\$30,000.00."

MILLER.

The amendment was read.

Amend S. B. No. 31, page 4, line 31, by striking out the figures "\$12,500.00" in each column and insert in lieu thereof the figures "\$20,000.00" in each column.

MOORE,
BECK.

The amendment was read.

Amend S. B. No. 31 by adding after line 25, the sum of \$15,000.00

for maintenance support and care of Sam Houston's old homestead.

PATTON.

The amendment was read.

Senator Pollard moved to table the motion to lay the bill on the table subject to call. The motion was lost by the following vote:

Yeas—8.

Berkeley.	Miller.
Hornsby.	Moore.
Hyer.	Patton.
McFarlane.	Pollard.

Nays—12.

DeBerry.	Russek.
Gainer.	Thomason.
Holbrook.	Williamson.
Love.	Wirtz.
Neal.	Witt.
Parrish.	Woodul.

Absent.

Beck.	Woodward.
Westbrook.	

Absent—Excused.

Greer.	Small.
Parr.	Stevenson.

(Pairs Recorded.)

Senator Cousins (present) who would vote nay, with Senator Hardin (absent) who would vote yea.

Senator Cunningham (present) who would vote nay, with Senator Martin (absent) who would vote yea.

The motion to lay the bill on the table subject to call prevailed.

Senate Bill No. 1.

Senator Witt called up S. B. No. 1. Read third time.

On motion of Senator Witt, consideration of S. B. No. 1 was suspended and H. B. No. 2 was taken up by a two-thirds vote.

House Bill No. 2.

The Chair laid before the Senate the following bill:

By Mr. Graves of Williamson:

H. B. No. 2. A bill to be entitled "An Act relating to the prison system of Texas, and providing for the rehabilitation, renovation and con-

centration of the prison system of the State of Texas on the present site of the central prison and walls in the city of Huntsville, in Walker County, Texas, etc."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its second reading by the following vote:

Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.

Absent.

Martin. Woodward.

Absent—Excused.

Greer.	Small.
Hardin.	Stevenson.
Parr.	

Read second time.

Senator Witt sent up the following amendment:

Amend H. B. No. 2: After the enacting clause strike from H. B. No. 2 and insert in lieu thereof the words, figures, and languages of S. B. No. 1 as amended and passed to engrossment.

WITT.

The amendment was read.

Motion to Adjourn.

Senator Patton moved to adjourn until tomorrow morning at 10 o'clock. The motion was lost.

House Bill No. 2.

The question recurred on the amendment to H. B. No. 2.

On motion of Senator Pollard, the previous question was ordered on the amendment.

The amendment was adopted by the following vote:

Yeas—12.

Beck.	Love.
DeBerry.	Moore.
Gainer.	Neal.
Hardin.	Thomason.
Holbrook.	Witt.
Hornsby.	Woodward.

Nays—8.

Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Russek.
McFarlane.	Wirtz.

Absent.

Miller. Westbrook.

Absent—Excused.

Stevenson.

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Hyer (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator Parrish (present) who would vote yea, with Senator Small (absent) who would vote nay.

Senator Williamson (present) who would vote yea, with Senator Martin (absent) who would vote nay.

Senator Woodul (present) who would vote yea, with Senator Parr (absent) who would vote nay.

Senator Witt sent up the following amendment:

Amend H. B. No. 2 by striking out all above enacting clause and insert all above enacting clause of S. B. No. 1 as amended and passed to engrossment.

WITT.

The amendment was read.

Senator Patton moved to adjourn until tomorrow morning at 10 o'clock. The motion was lost.

The amendment was adopted.

On motion of Senator Holbrook the previous question on the passage of the bill to third reading was ordered.

The bill passed to third reading by the following vote:

Yeas—14.

Beck.	Moore.
Berkeley.	Neal.
Gainer.	Pollard.
Hardin.	Thomason.
Holbrook.	Witt.
Hornsby.	Woodul.
Love.	Woodward.

Nays—6.

Cousins.	Patton.
Cunningham.	Russek.
McFarlane.	Wirtz.

Absent.

Miller.	Westbrook.
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Absent—Excused.

Parr.

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Hyer (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator Parrish (present) who would vote yea, with Senator Small (absent) who would vote nay.

Senator Williamson (present) who would vote yea, with Senator Martin (absent) who would vote nay.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—20.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Thomason.
Gainer.	Williamson.
Hardin.	Wirtz.
Holbrook.	Witt.
Hornsby.	Woodul.
Love.	Woodward.
Moore.	

Nays—3.

McFarlane.	Russek.
Patton.	

Absent.

Cousins.	Westbrook.
Miller.	

Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

(Pair Recorded.)

Senator Hyer (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Read third time and finally passed by the following vote:

Yeas—14.

Beck.	Moore.
Berkeley.	Neal.
Gainer.	Parrish.
Hardin.	Pollard.
Holbrook.	Thomason.
Hornsby.	Witt.
Love.	Woodward.

Nays—5.

Cunningham.	Russek.
McFarlane.	Wirtz.
Patton.	

Absent.

Cousins.	Westbrook.
Miller.	

Absent—Excused.

Small.

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Hyer (present) who would vote yea, with Senator Greer (absent) who would vote nay.

Senator Williamson (present) who would vote yea, with Senator Parr (absent) who would vote nay.

Adjournment.

On motion of Senator Holbrook, the Senate, at 5:38 o'clock, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

(TELEGRAM.)

Hollis, Okla., Feb. 10, 1930.
Honorable Senate of the State of Texas, Austin, Texas.

We, the undersigned land owners in the strip of Oklahoma which you

are about to take into your State, are at your mercy. If you will not leave us in Oklahoma please protect the title to our homes.

Mrs. T. A. Branigan, H. T. Branigan, John E. Reeves, I. Humphreys, O. H. Abernethy, H. B. Kite, Lee Williams, Mrs. Dora E. Moss, A. W. Dollar, J. A. Dennis, B. F. Sanford, Roy Sanford, G. E. Curry, W. R. Horton, R. D. Miller, W. H. Hammond, F. S. Whiteside, James E. Scott, T. J. Stewart, B. T. Webb, Ross Bennett.

(COPY)

Dallas, Texas, February 7, 1930.

The Highland Park Browning Club wishes to align itself with that vast body of club women who are demanding sweeping and constructive changes in the shameful prison system of Texas.

This club of forty women urges you as a representative from Dallas County to vote for the Majority Report bill on the measure that embodies the most necessary reforms. Any measure less drastic than relocation and centralization will be only temporary reform and as such unacceptable to the club women of Texas.

(COPY)

Forney, Texas, Feb. 7, 1930.

Hon. Tom Love, Austin Texas.

Dear Senator: I am an old man 85 years old, with a wife 82, depending upon my friend to write you this letter and let you know that my sole means of support is my Confederate pension and I certainly hope that something will be done during the present session of the Legislature to get some relief for the old soldiers.

My friends here will all testify to the fact that I have always been energetic and able to supply the wants of my family up to within the last few years.

I have never believed in going in debt, but since the reduction in the pensions I have had to borrow from my friends in order to meet the actual necessities of life, therefore it is absolutely necessary that something be done and I trust that you and other members of the Legislature will give this prompt attention to the end that relief may be accom-

plished, during this session of the Legislature.

Yours truly,
C. W. ROBINSON.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 22 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 51 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 16 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, February 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 10, A bill to be entitled "An Act to amend Articles 2994, 3883, 3886, 3889, 3891, 3892, 3895, 3897, 3899, 3926, 3934, 7331, and 7332 of the Revised Civil Statutes of Texas, for 1925, repealing Articles 3887, 3900, 3912 and 3932 of the Revised Civil Statutes of Texas for 1925, and all laws in conflict, all of said amended and repealed Articles relating to fees and compensation of county officers, providing any unconstitutional parts of this Act shall not affect the remainder, declaring an emergency, and providing that said Act shall become effective on January 1, 1931."

Have had same under consideration, and I am instructed to report to the Senate that the original bill do not pass, but that the Committee Substitute pass in lieu thereof.

WIRTZ, Chairman.

C. S. S. B. No. 10.

A BILL

To Be Entitled

An Act providing further limitations and regulations as to fees and compensation of officers mentioned in Chapter 1 of Title 61 of the Revised Civil Statutes of 1925; making the provisions of this Act cumulative of present laws except where in conflict; amending certain statutes and enacting other provisions necessary and incidental to said subject and purpose; fixing the effective date of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 3896 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Article 3896. Every officer mentioned in the first six Articles of this Chapter, in every county of this State including counties of less than

25,000 population according to the last Federal census, as well as all other counties, shall keep in a well bound book an account of all fees and compensation collected, as well as those earned and uncollected, by him. Said book and account shall be at all times subject to the inspection and audit of the county auditor and shall be public records.

Sec. 2. Article 3897 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Art. 3897. Every officer mentioned in said first six Articles shall, on or before the fifteenth day of February of each year, make and file with the Commissioners' Court of the county a detailed report showing all fees and compensation collected, as well as those earned and uncollected by him, during the calendar year ending December thirty-first next preceding such report. Said report shall be sworn to as correct by the officer making same before some officer authorized to administer oaths. Every such officer failing or refusing to make such report in the manner and within the time herein prescribed or failing or refusing to file copies thereof as herein prescribed, shall be subject to a penalty of twenty-five dollars for each day of failure or delay in making such report, which penalty shall be collected at the suit of the county or district attorney in the name of the State, and any amount recovered in such a suit shall be paid over to the county. A copy of said report shall be filed within said time with the county auditor of the county, one with the county clerk of the county, and one with the State Comptroller of Public Accounts.

Sec. 3. Of the fees and compensation of any officer mentioned in Chapter 1 of Title 61 of the Revised Civil Statutes of 1925, as amended, not required to be accounted for under the present fee bill, each such officer shall retain such amount only as would bring his total compensation, including fees and compensation accountable, as well as those not accountable under the present fee bill, to the sum of \$12,500.00 in any one year, and any excess over and above said sum shall be paid over to the county. This Act is cumulative of present laws relative to fees and compensation of such officers, and it is not the purpose of this Act to exempt such officers from

the provisions of the present fee bill, but, on the other hand, the purpose is to further limit such officers so that they cannot retain fees not now accountable under the fee bill so as to increase their total compensation above the amount of \$12,500.00 annually.

Sec. 4. Article 3900 of the Revised Civil Statutes of 1925, is hereby amended so as to read as follows:

Art. 3900. All officers mentioned in this Chapter regardless of the population of the county shall make the report and keep the accounts required by Articles 3896 and 3897 as amended herein, but in those counties having a population of 25,000 or less inhabitants, such officers may retain all fees and compensation earned; provided, however, that in no event shall any such officer have the right to retain fees in an amount exceeding \$12,500.00 annually, and any excess of that sum shall be paid over to the county. In counties having a population of 25,000 or less inhabitants, no ex-officio salary shall be allowed any such officers in excess of the amount fixed by other statutes and in no event shall such ex-officio be allowed such officers in said counties in excess of \$2,000.00 per year.

Sec. 5. Article 3892 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

Art. 3892. Any officer mentioned in this Chapter who does not collect the maximum amount of his fees for any fiscal year and who reports delinquent fees for that year, shall be entitled to retain, when collected, such part of such delinquent fees as is sufficient to complete the maximum compensation for the year in which delinquent fees were charged, and the remainder of the delinquent fees for that fiscal year shall be paid as herein provided for when collected; provided the provisions of this Article shall not apply to any officer after one year from the date he ceases to hold the office to which any delinquent fee is due, and in the event the officer earning the fees that are delinquent has not collected the same within twelve months after he ceases to hold the office, the amount of fees collected shall be paid into the county treasury.

Sec. 6. The words "fees and compensation" as used in this Act shall include all fees and compensa-

tion whatever collected by said officers in their official capacity, and shall also include all compensation for certified or uncertified copies of any record or paper and all fees or compensation for any certificates issued, any law, general or special, to the contrary notwithstanding; and particularly shall include all fees now allowed by law to officers pertaining to delinquent taxes and tax certificates, but this enumeration shall not be construed as to exclude any other fees or compensation from the operation of this Act.

Sec. 7. This Act shall take effect and be in force from and after the first day of January, A. D. 1931 and not before that time. Where population is referred to in this Act, it means according to the last Federal census.

Sec. 8. The fact that in many instances officers are not required to keep accounts and make reports of fees of office and no reasonable maximum is fixed in the law for certain officers in connection with certain fees of office, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after the first day of January, A. D. 1931, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing bonds in counties which, according to the Federal Census of 1920, have a population of not fewer than 720 and not more than 750; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 57, A bill to be entitled
"An Act limiting the power of the
commissioners' court in making con-
tracts in connection with the collec-
tion of delinquent taxes; limiting
the amount that can be paid under
said contracts; and declaring an
emergency."

Have had the same under consid-
eration, and I am instructed to report
it back to the Senate with the rec-
ommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 63, A bill to be entitled
"An Act providing for an open sea-
son on squirrels in Marion, Cass and
Bowie Counties, Texas, providing
penalty, repealing all laws in con-
flict herewith and declaring an emer-
gency."

Have had the same under consid-
eration, and I am instructed to report
it back to the Senate with the rec-
ommendation that it do pass and
that it being a local bill that it be
not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 64, A bill to be entitled
"An Act repealing Chapter 88, page
219, of the Acts of the First Called
Session of the Forty-first Legislature
prohibiting the sale of fresh water
fish during the months of March and
April in Cass, Bowie, Morris and
Titus Counties, and declaring an
emergency."

Have had the same under consid-
eration, and I am instructed to report
it back to the Senate with the rec-
ommendation that it do pass and
that it being a local bill that it be
not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 39, A bill to be entitled
"An Act to amend Article 5139 of
Title 82 of the Revised Civil Statutes
of Texas of 1925, relating to juvenile
boards in certain counties and sal-
aries of district and criminal district
judges in such counties."

Have had the same under consid-
eration, and I am instructed to report
it back to the Senate with the rec-
ommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 44, A bill to be entitled
"An Act to exempt from taxation the
buildings and other property owned
or used by the Young Men's Chris-
tian Association, and the Young
Women's Christian Association,
where such property is used exclu-
sively for furthering the interests of
religious work, and not for profit;
and where such associations are op-
erated with the approval and coop-
eration of the State and Interna-
tional Young Men's Christian Asso-
ciation Committees and the Young
Women's Christian Association Com-
mittees; and in accord with the pro-
visions and purposes of the asso-
ciation furthering religious work,
and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to report
it back to the Senate with the rec-
ommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 20, A bill to be entitled
"An Act further regulating the reg-
istration of motor vehicles; making
it a necessary prerequisite to regis-
ter a motor vehicle that evidence be
produced that State and County ad-
valorem taxes on said vehicle have

been paid wherever such vehicle has become subject to such taxes and the time for paying same has expired; enacting all necessary provisions incidental to said purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to amend Article 2340 of the Revised Civil Statutes of Texas for 1925, declaring an emergency, and providing said Act shall take effect on January 1, 1931, and that bonds of county commissioners who are elected at the general election in 1930 shall comply with this amended Article."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on State Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 47, A bill to be entitled "An Act to repeal Chapter 95, Acts of the First Called Session of the Forty-first Legislature, 1929, and declaring an emergency."

Have had the same under consideration and beg to differ with the majority of the committee, and report the bill back to the Senate with the recommendation that it do not pass.

WIRTZ.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries, to whom was referred

H. B. No. 2, A bill to be entitled "An Act to provide for the better organization and more efficient operation of the Texas Prison System; to provide for the establishment and development of practicable and advantageous industries in connection with the Prison System, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McFARLANE, Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 72, A bill to be entitled "An Act ratifying and validating Liberty County Improvement District No. 1, in Liberty County, Texas; converting said district into a conservation and reclamation district, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a conservation and reclamation district under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution

and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the Constitutional notice required for the enactment of local or special laws has been given in the manner and form required by law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARRISH, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 71, A bill to be entitled "An Act ratifying and validating Old River Drainage District of Liberty County, Texas, No. 1, in Liberty County, Texas; converting said district into a conservation and reclamation district, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a conservation and reclamation district under Section 59 of Article 16 of the Constitution will benefit the citizens and property in said District; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the Constitutional notice required for the enactment of local or special laws has been given in the manner and form required by law; and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARRISH, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 70, A bill to be entitled "An Act ratifying and validating Liberty County Drainage District No. 2, in Liberty County, Texas; converting said district into a conservation and reclamation district, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a conservation and reclamation district under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the constitutional notice required for the enactment of local or special laws has been given in the manner and form required by law; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARRISH, Vice-Chairman.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 59, A bill to be entitled "An Act to extend the term of office

of elective county superintendents of public instruction to four years and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 56, A bill to be entitled "An Act to provide for the sale of oil, gas and other minerals in and on the public school lands; to create a Board to perform the duties with reference thereto; to provide for surveying, dividing and marketing said land; prescribing the duties of the President of the Board of Education of the State of Texas, the Commissioner of the General Land Office of the State of Texas and the Superintendent of Public Instruction of the State of Texas; authorizing them to make investigations, to determine the status of the public school lands, providing for the employment of a geologist, mineralogist and other employees; requiring reports of land owners, lessees, agents, producers of oil, gas and other minerals on public school lands, and providing for a penalty on failure to make said reports; making an appropriation; repealing all laws in conflict herewith; enacting other provisions incidental to said subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BERKELEY, Vice-Chairman.

By Hornsby, Neal. S. B. No. 56.

A BILL

To Be Entitled

An Act to provide for the sale of oil, gas and other minerals in and on the public school lands; to create a Board to perform the duties with reference thereto; to provide for surveying, dividing, and marketing said land; prescribing the duties of the President of the Board of Education of the State

of Texas, the Commissioner of the General Land Office of the State of Texas, and the Superintendent of Public Instruction of the State of Texas; authorizing them to make investigations, to determine the status of the public school lands, providing for the employment of a geologist, mineralogist and other employees; requiring reports of land owners, lessees, agents, producers of oil, gas and other minerals on public school lands, and providing for a penalty on failure to make said reports; making an appropriation; repealing all laws in conflict herewith; enacting other provisions incidental to said subject; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. A Board is hereby created consisting of the Commissioner of the General Land Office, the Superintendent of Public Instruction of the State of Texas, and the President of the State Board of Education, none of whom shall be employed either directly or indirectly by any individual, corporation, partnership, or association producing oil, gas or any other minerals, nor be an officer or attorney thereof. The board shall be known as the "Public School Land Board." The term "board" wherever it appears in this Act shall mean and refer to said Public School Land Board. The board shall keep a complete public record of all its proceedings and actions.

Sec. 2. It is hereby made the duty of the board to cause to be done such surveying or re-surveying of the blocks and subdivisions thereof of the public school lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or re-surveyed and divided into surveys of sections and fractional sections and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors employed to do such surveying shall be approved by said board.

The field notes of such surveys shall be returned to the General Land Office, and when correct and in accordance with law, shall be approved by the Commissioner, filed in the General Land Office, and become archives therein.

Sec. 3. The oil and gas and other minerals in the public lands shall be subject to sale on and after June 1, 1930, under the regulations, at the times and on the terms provided herein, together with such rules and regulations as may be authorized herein to be adopted by the board, but not inconsistent with the provisions of this Act.

Sec. 4. Whenever there shall be such demand for the purchase of the oil and gas and/or other minerals in any one or more separate tracts, including excesses and vacancies, as will reasonably insure that said oil and gas may be sold advantageously, the board shall place said oil and gas and other minerals in said lands on the market in tracts containing not to exceed four sections. It shall cause to be advertised a brief description of the lands from which the oil and gas and other minerals are proposed to be sold and that sealed bids for the purchase of said oil and gas and other minerals by lease will be opened at a designated day, at ten o'clock a. m. on that day, and that sealed bids received up to that time will be considered. Said advertisement shall be made:

(a) By insertion in two or more papers of general circulation in this State.

(b) By mailing a copy thereof to the county clerk and county judge of every county in this State.

(c) In addition to the two foregoing mandatory provisions, the board may, in its discretion, cause said advertisement to be placed in oil and gas journals in and out of the State and to be mailed generally to such persons as they think might be interested.

Sec. 5. All bids shall be directed to the said board in care of the General Land Office of the State of Texas, and shall be retained by the Commissioner of the General Land Office until the day designated for the opening of bids and upon that day the said board, or a majority of its members shall open said bids and shall list and file and register all bids and money received. A

separate bid shall be made for each tract advertised. No bid will be accepted which offers a royalty of less than one-eighth of the gross production of oil and gas in the land bid upon, and this minimum royalty may be increased at the discretion of the board before the promulgation of the advertisement of the land. Every bid shall carry the obligation to pay an amount not less than fifty cents per acre for delay in drilling, such amount to be fixed by the board in advance of the advertisement, and which shall be paid every year for five years unless in the meantime production in paying quantities is had upon the land. The royalty on minerals other than oil and gas shall be fixed by the board but in no event to be less than ten per cent of the market value of said minerals.

Sec. 6. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre for delay in drilling of the land bid for, which amount will constitute the first year rental payment for delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay, which royalty shall not be less than one-eighth of the gross production of oil and gas nor less than ten per cent of the market value of any other minerals. The bid shall further name such amount as the bidder may be willing to pay in addition to the royalty and the annual payment herein provided for, and shall be accompanied by cash or checks collectible in Austin to cover said amounts.

Sec. 7. If any one of the bidders shall have offered a reasonable and proper price therefor, not less than the price fixed by the board, the lands advertised may be leased for oil, gas and/or other minerals purposes under the terms of this Act and such regulations as the board may prescribe, not inconsistent with the provisions of this Act. If after any bidding by sealed bids the board should reject all bids, as it is hereby authorized to do, it may thereafter re-advertise for bids or offer for sale and sell the oil and gas and other minerals in said lands by open public auction to be held at a time and place designated by the board and after adequate and proper notice, but no disposition shall be made of said oil and gas and other minerals in said lands at such public

any time by having an instrument of relinquishment recorded in the county or counties, in which the area may be situated and filed in the Land Office accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The board shall authorize the laying of pipe lines, telephone lines and the opening of such roads over said lands as may be deemed reasonably necessary for and incident to the purpose of this Act.

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and as to all other public school lands that have been sold and the mineral rights reserved therein to the public schools under all laws the lessee thereof, the assignee, operator or owner, and each of them shall make the said report as provided in Section 11 hereof and at such times as are therein stated, and in addition thereto the land owner, the agent, the operator, the producer, the lessee or assignee shall also report within sixty days after this law goes into effect the amount of royalties received or paid, if any, the amount of bonus received or paid, if any, whether known by the name of bonus or not, the amount paid for the mineral lease or leases and all other information that the board may require to ascertain facts necessary to determine the status of the leases, the royalties, and the bonuses of said public school land, that said report be made under oath. And that said land owner, agent, lessee, assignee, operator and producer of oil, gas or other minerals on and from such land is required upon the request of said board or any authorized agent or employee of said board to give such information as may be required by the board verbally or in writing from time to time and give access to the books, papers and other memoranda for the purpose of examination so that said board may ascertain all of the facts necessary for them to obtain any and all moneys that belong or may belong to the public school funds. Provided further that failure to make said report or to give such information, and access to said books, papers and memoranda as required herein that in that event there shall be a penalty in the sum of Twenty-five Dollars (\$25.00) for each and every day for failure to make said reports or give said information.

Sec. 13. That all purchasers of school land, their assigns, and owners who hereafter desire to sell or lease their land for oil, gas or other minerals as agent for the State shall be required to file their application with this board, stating the terms of the sale or lease, the amount received, the bonus, and said board will thereupon pass upon said application, and if it finds same to be to the best interest of the public school funds, it

shall grant the application. If the application is rejected, then the sale and the lease thereof may be advertised as hereinbefore provided.

Sec. 14. All surveys, files, records, copies of sale and lease contracts, assignments, and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute archives thereof, as well as copies of all other contracts, leases, and memoranda evidencing bonuses and royalties and gratuities paid or given in the lease or sale of oil, gas or other minerals made by the land owner as agent of the State with reference to said public school land. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalty and all amounts paid by the bidder under Section 6 other than royalty and annual rentals for deposit to the credit of the Permanent School Fund, and all rentals for delay in drilling and all other payments, including all filing assignments, penalties and relinquishment fees hereunder to the credit of the Available Public School Fund.

Sec. 15. If the owner of the rights acquired under this Act shall fail or refuse to make the payment of any sum due thereon, either as rental bonus or royalty on the production within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty bonuses or drilling, or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this Act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the board by an order entered upon the minutes

of the board reciting the facts constituting the default, and declaring the forfeiture. The board may, if it so determines, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the lease may, at the discretion of the board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon all oil, gas and other minerals produced upon the leased area and upon all rigs, tanks, pipe lines, telephone lines and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of said lease.

Sec. 16. The board is authorized to employ a geologist and a mineralogist who shall keep informed with reference to the minerals in public school lands and all activities under this and previous leases and sales and shall report to the board all information gained with reference thereto. The board is also authorized to employ any other necessary employees. The board is further authorized to investigate all sales and leases of public school land heretofore made and determine the exact status and condition of the land, the amount of money received from the sale and leases thereof, the land that has been or should be forfeited to the State for non-payment of interest, the royalties due, the bonuses, rents, and interest due or accruing to said public school funds.

That said board shall make a report of these investigations to the Board of Education, the Governor, and the Legislature, and upon these findings they shall report same to the Attorney General for such recoveries as may be necessary either as to land or money. The President of the Board of Education, as a member of this board, shall receive the same compensation and expenses from this appropriation that he now receives as a member of the Board of Education.

Sec. 17. The sum of Twenty-five Thousand (\$25,000.00) Dollars is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the same or so much thereof as may be necessary to be used by said board for the purpose of carrying out the provisions of this Act during the remainder of the fiscal year ending August 31, 1930, and the fiscal year ending August 31, 1931. Any moneys paid out of said appropriation shall be paid on warrants drawn by the State Comptroller upon accounts approved by the board.

Sec. 18. If any provision of this Act should be held to be unconstitutional or invalid for any other reason, the remainder of the Act shall, nevertheless, remain in force and effect.

Sec. 19. The board shall adopt proper forms and regulations, rules and contracts, as will in its best judgment protect the income from lands leased hereunder. A majority of the board shall have power to act in all the cases, except where otherwise herein provided. The board may reject any and all bids, and shall have the further right to withdraw any lands advertised for lease prior to receiving and opening bids. Any and all or parts of laws in conflict with this Act are hereby repealed.

Sec. 20. The fact that there is no effective and adequate law providing for the sale of oil, gas and minerals in public school lands, and the fact that there is no way to determine the amount of money due to the Public School Fund from said lands under present laws, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 74, A bill to be entitled "An Act cancelling and annulling the

lease which Travis County holds against the courthouse and jail property owned by the State of Texas, the same being the North Half of Block No. (123) one hundred and twenty-three, in the City of Austin, Travis County, Texas; fixing and declaring the value of all improvements on said lot and providing for payment to Travis County for said improvements; fixing the time within which Travis County must vacate said property; making the necessary appropriation out of the State Treasury; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

BERKELEY, Vice-Chairman.

By Hornsby.

S. B. No. 74.

A BILL

To Be Entitled

An Act cancelling and annulling the lease which Travis County holds against the courthouse and jail property owned by the State of Texas, the same being the North Half of Block No. (123) one hundred and twenty-three, in the City of Austin, Travis County, Texas; fixing and declaring the value of all improvements on said lot and providing for payment to Travis County for said improvements; fixing the time within which Travis County must vacate said property; making the necessary appropriation out of the State Treasury; and declaring an emergency.

Whereas, It is the desire of the State of Texas to cancel and annul the lease of the property mentioned in the caption, which lease was evidenced by an Act of the Legislature of Texas of May 4, 1874, by paying to said County of Travis the full value of all improvements on said lot; now, therefore,

Be it Enacted by the Legislature of the State of Texas:

Section 1. The lease held by the County of Travis under the Act of the Texas Legislature of May 4, 1874, on the north half of block no. (123) one hundred and twenty-three, in the City of Austin, Travis County, Texas, is hereby cancelled and annulled, and said cancellation and an-

nulment shall take effect and be in force from and after the payment by the State of Texas to Travis County of the sum of Fifty Thousand (\$50,000.00) Dollars. The said sum of Fifty Thousand (\$50,000.00) Dollars is hereby found and declared to be the full value of all improvements on said lot.

Sec. 2. The sum of Fifty Thousand (\$50,000.00) Dollars is hereby appropriated out of the general revenue in the State Treasury to pay Travis County for said improvements, which shall be paid by warrant of the Comptroller drawn on a sworn account approved by the Governor. Immediately upon such payment being made, a certified copy of this Act, together with a receipt from Travis County showing the payment to said county of said sum of Fifty Thousand Dollars for said improvements shall be recorded in the deed records of Travis County. Provided that Travis County shall have eighteen months after the taking effect of this Act to vacate said lot and all improvements thereon, and at the expiration of said eighteen months the State of Texas shall have the right to reenter and take possession of all of said lot, together with all improvements thereon.

Sec. 3. The fact that there is urgent necessity, both from the standpoint of the State and Travis County, that said lease be cancelled and said property placed in the hands of the State for such public use as may be desirable and expedient and in order that Travis County may be in a position to erect a courthouse, if it so desires, upon another site of its own selection, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Feb. 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 68, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, ap-

proved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the Commissioners, the manner of payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Woodward. S. B. No. 68.

A BILL

To Be Entitled

An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legisla-

ture, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the Supreme Court of Texas; regulating their powers and duties; prescribing their qualifications, appointment, duration of service; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the Commissioners, the manner of payment thereof; and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. The Supreme Court of this State is hereby authorized to appoint a Commission, to be composed of six attorneys at law, having those qualifications fixed by the laws and Constitution of this State for the judges of the Supreme Court of Texas, which Commission shall be for the aid and assistance of said Court in disposing of the business before it; and such Commission shall discharge such duties as may be assigned it by said Court. Each member of said Commission shall receive for his services the same salary, paid in the same manner as are the salaries of the members of the present Commission of Appeals.

Sec. 2. The present members of the Commission of Appeals shall continue in office until the expiration of the terms for which each of them has been appointed. Upon the expiration of the terms of office of the present members of the Commission of Appeals the Supreme Court of this State shall appoint six Commissioners hereinbefore provided for, two of whom shall serve for a period of two years, two for four years and two for six years from the date of their appointment, such terms to be designated by the Supreme Court, and thereafter the Supreme Court shall every two years appoint two Commissioners whose terms of office shall be for a period of six years.

Sec. 3. In case of a vacancy on said Commission of Appeals by the death, resignation or removal of any member thereof, it shall be the duty of the Supreme Court to fill the same by appointment and the person

so appointed shall continue in office for the unexpired portion of the term for which the Commissioner so vacating his office had been appointed.

Sec. 4. The Commission of Appeals shall hear the submission of causes under such rules and regulations as may be prescribed by the Supreme Court and such court may adopt the opinion prepared by any member of the said Commission and make the same the judgment of the Supreme Court.

Sec. 5. Two of said Commissioners designated by the Supreme Court acting with one member of the Supreme Court shall be authorized to pass upon all applications for writs of error presented from the Courts of Civil Appeals, and the action of said two Commissioners and one member of the Supreme Court in passing upon such applications shall be given the same force and effect as if the same were passed upon by the Supreme Court; provided upon any application in which the three judges are not unanimous, the same shall be determined by the Supreme Court.

Sec. 6. In cases referred to the Commission the papers shall not be re-filed with said Commission, and only such additional costs as may be essential to carry into effect the provision hereof shall be incurred by the parties to such cases by reason of the reference thereto.

Sec. 7. The Commission shall hold its sessions in Austin at the same time and place as the Supreme Court, but it shall continue work during the vacation of the Supreme Court in mid-summer. The judges of the Commission may take a vacation, not to exceed eight weeks, during said period.

Sec. 8. The Commission shall appoint stenographers not exceeding four, each of whom shall receive an annual salary not to exceed Fifteen Hundred Dollars, to be paid in monthly installments, on warrants approved by the Chief Justice of the Supreme Court.

Sec. 9. The Clerk of the Supreme Court shall perform the duties of clerk of said Commission and shall be allowed for services rendered to said Commission by him and his deputies, an additional compensation of Fifteen Hundred Dollars per annum,

to be paid out of the fees of his office.

Sec. 10. Said Commission of Appeals shall have a seal, being a star with five points and the words "Commission of Appeals of the State of Texas" around the same.

Sec. 11. Regular dockets and minutes of all proceedings by or before said Commission of Appeals shall be kept, and the records and proceedings of courts of record, and all cases shall be docketed in the order in which they are transferred or referred by the Supreme Court. Said Commission shall have the right to issue writs of certiorari to perfect the record, and such process as the Supreme Court might issue to make parties, and shall have power to punish for contempt. All laws and rules regulating practice and procedure in the Supreme Court shall be of force in the practice and proceedings of the Commission of Appeals so far as applicable.

It is the intention of this Act to make more elastic the operation of the Commission of Appeals in order to expedite the disposition of causes in the Supreme Court and the Supreme Court is given full authority to assign such duties to the Commission of Appeals or the members thereof as it may deem proper in order to facilitate the dispatch of business before the Supreme Court.

Sec. 12. The salaries of the six Commissioners, stenographers, porters, clerical help and other expenses essential to carry on the work of the Commission of Appeals shall be paid out of the appropriation made to take care of the salaries and expenses of the present Commission as it now exists.

Sec. 13. The fact that the present Commission of Appeals will expire by its own limitation upon the last Saturday in June, 1931, and the further fact that the docket of the Supreme Court is still in a very crowded condition and will be so at the time the Commission of Appeals will expire, and the great necessity that cases now pending in the Supreme Court and petitions for writs of error to said court shall be disposed of as expeditiously as may be done, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule that bills be read in each House

on three several days, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 38, A bill to be entitled "An Act to amend Article 5440 of the Revised Civil Statutes of the State of Texas, adopted in 1925, authorizing the appointment of a State Librarian, defining the qualifications and duties, prescribing the compensation thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Berkeley.

S. B. No. 38.

A BILL
To Be Entitled

An Act to amend Article 5440 of the Revised Civil Statutes of the State of Texas, adopted in 1925, authorizing the appointment of a State Librarian, defining the qualifications and duties, prescribing the compensation thereof, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 5440 of the Revised Civil Statutes of the State of Texas be amended to hereafter read as follows:

Article 5440. The commission shall elect a State Librarian not of their number, who shall be a man or woman graduate of a library training school, or who shall have had at least three years administrative experience as head of a free public or institutional library, or as assistant of high rank in such library. The librarian shall serve at the will of the commission, shall give bond in the sum of Five Thousand (\$5,000.00) Dollars for the proper care of the State library and its equipment. He shall have control and supervision over the State library, subject to the statutes and

the orders of the commission, and shall exercise, in the operation and control of the library, such powers as may be conferred upon him by the commission not inconsistent with the statutes of this State. He shall receive such salary as may be provided from time to time by appropriation bills of the Legislature, but such salary shall not be less than Three Thousand (\$3,000.00) Dollars per annum, and shall be allowed actual expenses when traveling in the service of the library, on his sworn account showing expenses in detail.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that this is a short special session of the Legislature, a portion of which has expired, and the important matters pending upon the calendar create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 46, A bill to be entitled "An Act amending Art. 2791, Title 49, Revised Civil Statutes of Texas, 1925, providing for tax assessors and collectors of independent school districts, fixing their powers and bond, prescribing the duties thereof, and fixing the fees of said assessors and collectors, so that the bond required of such tax assessors and collectors of independent school districts shall be in a sum equivalent to forty per cent of the whole amount of the school district taxes for the district as shown by the last preceding assessment, providing said bond shall in no event exceed fifty thousand dollars, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and

that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Love.

S. B. No. 46.

A BILL

To Be Entitled

An Act amending Article 2791, Title 49, Revised Civil Statutes of Texas, 1925, providing for tax assessors and collectors of independent school districts, fixing their powers and bond, prescribing the duties thereof, and fixing the fees of said assessors and collectors, so that the bond required of such tax assessors and collectors of independent school districts shall be in a sum equivalent to forty per cent of the whole amount of the school district taxes for the district as shown by the last preceding assessment, provided said bond shall in no event exceed fifty thousand dollars; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2791, Title 49, Chapter 13, Revised Civil Statutes of Texas, 1925, be amended so as to hereafter read as follows:

Independent District Assessor.—The district tax assessor and collector shall have the same power and shall perform the same duties with reference to the assessment and collection of taxes for free school purposes that are conferred by law upon the city marshal of incorporated towns or villages, and he shall receive such compensation for his services as the board of trustees may allow, except in cities and towns provided for, not to exceed four per cent of the whole amount of taxes received by him. He shall give bond in a sum which shall be equal to forty per cent of the whole amount of the school district taxes of the district as shown by the last preceding assessment, provided said bond shall not exceed fifty thousand dollars, payable to and to be approved by the president of the board, conditioned for the faithful discharge of his duties, and that he will pay over to the treasurer of the board all funds coming into his hands by virtue of his office as such assessor and collector; provided that in the enforced collection of taxes

the board of trustees shall perform the duties which devolve in such cases upon the city council of an incorporated city or town, the president of the board of trustees shall perform the duties which devolve in such cases upon the mayor of an incorporated city or town, and the county attorney of the county in which the independent school district is located shall perform the duties which in such cases devolve upon the city attorney of an incorporated city or town under the provisions of law applicable thereto. It shall be within the discretion of the board of trustees of any independent school district to name an assessor of taxes who shall assess the taxable property within the limits of the independent school district within the time and in the manner provided by existing laws, in so far as they are applicable, and when said assessment has been equalized by a board of equalization appointed by the board of trustees for that purpose, shall prepare the tax rolls of said district and shall duly sign and certify same to the county tax collector as provided for in the succeeding article. The said assessor of taxes shall receive a fee of two per cent of the whole amount of taxes assessed by him as shown by the completed certified tax rolls.

Sec. 2. The fact that the county tax collector who collects common school district taxes is required to give a bond only to the extent of forty per cent of the taxes to be collected, and not over fifty thousand dollars, and the further fact that the present statute requires independent school district tax assessors and collectors to give bond in double the estimated amount of taxes coming into his hands, create a discrimination and make it highly burdensome on independent school districts to secure and obtain tax assessors and collectors, and the further fact that the bond equivalent to forty per cent of the collections made, not to exceed fifty thousand dollars, will give adequate security for the funds of the county while in the hands of the collector and before going into the depository—create an emergency and imperative public necessity requiring that the constitutional rule requiring bills to be read on three several

days be suspended, and said rule is hereby suspended and this Act shall become effective from and after its passage; and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 60, A bill to be entitled "An Act providing for a maximum amount to be budgeted by the county board of school trustees for annual office and traveling expenses of the county superintendent of public instruction, repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Thomason. S. B. No. 60.

A BILL

To Be Entitled

An Act providing for a maximum amount to be budgeted by the county board of school trustees for annual office and traveling expenses of the county superintendent of public instruction, repealing all laws in conflict herewith and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In each county of this State, the county board of trustees in August of each year shall make a budget for the necessary office and traveling expenses for the county superintendent and any assistants he may have for the ensuing scholastic year, and the same shall be prorated to all of the schools of the county. Said budget shall in no case exceed a maximum of \$1,200 per annum; provided that no payment be paid for office and traveling expenses except on sworn statement of the account approved by the county board of trustees. The maximum herein provided shall not operate to reduce any maximum heretofore fixed for office and traveling expenses, either by general or special law.

Sec. 2. All laws and parts of

laws, both general and special, in conflict herewith except as provided in Section 1 of this Act are hereby repealed.

Sec. 3. The importance of this legislation and the near approach of the end of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, February 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 61, A bill to be entitled "An Act to provide a local option method of determining whether the county superintendents of schools shall be employed by the county board of trustees; providing for the payment of salary of said county superintendent; providing for the term of office; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Love, Witt, Neal. S. B. No. 61.

A BILL

To Be Entitled

An Act to provide a local option method of determining whether the county superintendent of schools shall be employed by the county board of trustees; providing for the payment of the salary of said county superintendent; providing for the term of office; repealing all laws in conflict herewith; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. At the election of county school trustees on the first Saturday in April after this Act takes effect in each county in the State in which the county board of trustees has not been authorized to employ a county superintendent of schools there shall be submitted to

the qualified voters of the county for their determination the question as to whether or not the county school trustees shall be authorized thereafter to employ a county superintendent of public instruction, who shall possess the qualifications now prescribed for county superintendents. It shall be the duty of the county judge to give public notice of the submission of the proposition of the employment of the county superintendent, and provision shall be made for the submission of the proposition on the official ballot for school trustees. The question shall be submitted on the ballot in the following form: "For the employment of the county superintendent by the board of trustees." "Against the employment of the county superintendent by the county board of trustees." The returns of the election on this question shall be made to the county clerk within five days after such election shall have been held, to be delivered by him to the Commissioners' Court at its first meeting thereafter, to be canvassed and the results declared as in the cases of other elections. Within five days after the results have been canvassed, the county clerk shall certify the results of the election to the county board of trustees, and if it be shown that a majority of the qualified voters of the county participating in said election favor the employment of the county superintendent the county board of trustees shall, at the expiration of the current term of the county superintendent of public instruction, employ a county superintendent for the county and fix the amount of his annual salary in accordance with the limitations provided by general law. The salary designated by the county trustees shall be paid to the county superintendent in accordance with the general provision of the law relating to the salary of the county superintendent. In the counties electing said officer, the county board may employ a county superintendent for a term not to exceed four years; provided that the first term of employment shall not extend beyond June 30 of the next odd-numbered calendar year and the term thereafter shall begin on the 1st day of July and end on the 30th day of June.

Sec. 2. In each even-numbered calendar year subsequent to 1930 in any county not having provided for

the employment of county superintendent, the county judge, upon petition signed by not fewer than 25 per cent of the number of qualified voters of said county as shown by the number of votes cast at the last preceding general election, submit the question of employment of the county superintendent to the qualified electors for county trustees in the manner prescribed in Section 1 of this Act.

Sec. 3. At the election of county school trustees on the first Saturday in April of the fourth calendar year after the employment of any county superintendent under the provisions of this Act, the county judge, upon petition signed by not fewer than 25 per cent of the number of qualified voters of said county as shown by the number of votes cast at the last preceding general election, shall submit the question of election or employment of the county superintendent to the qualified electors for county trustees in the same manner as prescribed in Section 1 of this Act.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 5. The importance of this Act and the nearness of the close of the session creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended and this Act shall be in force and take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred,

S. B. No. 62, A bill to be entitled "An Act providing for the appointment or election and term of office of school trustees in all independent districts having fewer than 75,000 population by the Federal census of 1920 and for all consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Neal, Greer.

S. B. No. 62.

A BILL

To Be Entitled

An Act providing for the appointment or election and term of office of school trustees in all independent districts having fewer than 75,000 population by the Federal census of 1920 and for all consolidated and rural high school districts; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Towns and cities which have heretofore chosen their trustees by appointment of the city council or board of aldermen, shall be authorized to continue to choose their trustees in this manner; that is, by the appointment by the board of aldermen of said city or town; provided, that seven trustees shall be appointed, three of whom shall serve for one year, and two for two years, and two for three years, and each year thereafter, three trustees or two trustees shall be appointed for a term of three years; and further provided, that on a petition of twenty-five per cent of the voters of any such city or town, to be ascertained by the ballots cast at the regular city election in said city or town, the mayor of such city or town shall order an election to determine whether or not the school affairs of such city or town shall be directed by a school board elected in accordance with the provisions of this Chapter; and, in case of any affirmative vote, an election shall at once be ordered by the said mayor, for the purpose of choosing a school board consisting of seven trustees, as provided in the succeeding Article.

Sec. 2. In all such towns and cities having fewer than seventy-five thousand population as shown by the Federal census of 1920, the board of trustees shall be composed of seven members and the seven candi-

dates receiving the largest number of votes at the first election, and the three or two candidates receiving the largest number of votes at all subsequent elections shall be entitled to serve as trustees hereunder. Those elected at the first election shall determine by lot the term for which they are to serve. The three members drawing numbers one, two and three shall serve for one year, the two members drawing four and five shall serve for two years and the two members drawing numbers six and seven shall serve for three years, or until their successors are elected and qualified; and regularly thereafter on the first Saturday in April of each year, three trustees or two trustees shall be elected for a term of three years to succeed the trustees whose term shall at that time expire. The members of the board remaining after a vacancy shall fill the same for the unexpired term.

Sec. 3. The board of county trustees at its next meeting after such consolidation of school districts is declared shall appoint a board of seven trustees for the consolidated district. No person shall be trustee who cannot read and write the English language understandingly, and who has not been a resident of this State one year, and of the district six months, prior to his appointment or election. Those elected at the first election shall determine by lot the term of which they are to serve. The three members drawing numbers one, two and three shall serve for one year, the two members drawing numbers four and five shall serve for two years and the two members drawing numbers six and seven shall serve for three years, or until their successors are elected and qualified; and regularly thereafter on the first Saturday in April of each year three trustees or two trustees shall be elected for a term of three years to succeed the trustees whose term shall at that time expire. The members of the board remaining after a vacancy shall fill the same for the unexpired term. District trustees shall qualify by taking the official oath which shall be filed with the county superintendent of the county wherein the district is situated. The board of trustees after being qualified shall immediately organize by electing one of their number president and another

er secretary, a report of which organization shall be filed with the county superintendent. The board of trustees of the district shall appoint three qualified voters of the district to hold said election and make returns thereof in like manner as provided by law for holding elections for trustees in common school districts, except that the persons holding said election shall each receive from the general fund of the county two dollars a day for such services.

Sec. 4. The control and management of the schools of a rural high school district, established under the provisions of this Act, shall be vested in a board of seven trustees, elected by the qualified voters of the said district at large, who shall be elected and serve in accordance with the provisions of general law relative to common school districts except as may be otherwise provided herein; and provided that each of the original districts included in such rural high school district must be the residence of at least one member of said board. Provided, that for a rural high school district formed with more than one hundred square miles of territory, or embracing more than seven districts, the board of trustees, as herein provided for, shall be elected from the district at large. Should any rural high school district fail to elect a trustee or trustees as provided for in this Act, the county board of trustees shall appoint said trustee or trustees. Those elected at the first election shall determine by lot the term for which they are to serve. The three members drawing numbers one, two and three shall serve for one year, the two members drawing numbers four and five shall serve for two years and the two members drawing numbers six and seven shall serve for three years, or until their successors are elected and qualified; and regularly thereafter on the first Saturday in April of each year three trustees or two trustees shall be elected for a term of three years to succeed the trustees whose term shall at that time expire. The members of the board remaining after a vacancy shall fill the same for the unexpired term.

Sec. 5. The first election under the provision of this Act shall be

held on the first Saturday in April, 1930. In all independent districts not having included within their boundaries a city or town whose population exceeded one hundred thousand as shown by the Federal census of 1920 and in all consolidated and rural high school districts in which the term of office of three elective trustees expire in 1930, their successors shall be elected for a term of three years. In all such districts in which the term of office of four elective trustees expire in 1931, after their successors are elected, they shall determine by lot which two members shall serve for one year and which two members shall serve for three years. Those members drawing numbers one and two shall serve for one year; those members drawing numbers three and four shall serve for three years, and annually thereafter either three trustees or two trustees, as the case may be, shall be elected to serve for a term of three years.

In all such independent, consolidated and rural high school districts in which the terms of office of four elective trustees expire in 1930 their successors shall determine by lot which two shall serve for two years and which two shall serve for three years. Those members drawing numbers one and two shall serve for two years and those members drawing the numbers three and four shall serve for three years, and annually thereafter either three trustees or two trustees shall be elected to serve for a term of three years.

Sec. 6. In all independent school districts in which the trustees are appointed under the provisions of Article 2774, R. S. 1925, the terms of office of those appointed to fill the terms expiring in 1930 and 1931 shall be adjusted by the appointing power into short and long terms as in the case of elective members as provided in Section 2 of this Act and annually thereafter three trustees or two trustees shall be appointed to serve for a term of three years.

Sec. 7. All laws and parts of laws, both general and special, in conflict with the provisions of this Act, are hereby repealed.

Sec. 8. The importance of this Act and the near approach of the date of electing school trustees creates an emergency and an imper-

ative public necessity that the constitutional rule requiring bills to be read in each House on three several days be suspended, and the same is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 65, A bill to be entitled "An Act providing for the election and term of office of school trustees in all independent school districts having more than 75,000 population by the Federal census of 1930; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Woodul.

S. B. No. 65.

A BILL

To Be Entitled

An Act providing for the election and term of office of school trustees in all independent districts having more than 75,000 population by the Federal Census of 1920; adjusting the term of office of trustees now in office; providing for filling of all vacancies; providing for the date of first election under this Act; repealing all laws both general and special in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In all independent districts including a population of more than 75,000 according to the Federal Census of 1920, and in all independent school districts comprising such cities, the term of office of the board of trustees of the public free schools shall be six years, and the first elec-

tion under this Act shall be held on the first Saturday in April, 1930. In any such city or town constituting an independent school district, which heretofore been authorized by statute to regularly elect the entire board of trustees at one election, there shall hereafter be elected a board of trustees for a term of six years; provided on the first Saturday in April, 1930, the first election under this Act, there shall be elected seven trustees who shall draw for term; those drawing numbers one, two and three shall serve for six years; those drawing numbers four and five shall serve for four years, and those drawing numbers six and seven shall serve for two years, and on the first Saturday in April biennially thereafter there shall be elected three or two trustees to serve for a term of six years.

Sec. 2. In all such districts in which the terms of office of three elective trustees expire in 1930, their successors shall be elected for a term of six years. In all such districts in which the term of office of four elective trustees expire in 1931, after their successors are elected they shall determine by lot which two members shall serve for one year and which two members shall serve for three years. Those members drawing numbers one and two shall serve for one year; those members drawing numbers three and four shall serve for three years and biennially thereafter on the first Saturday of April of each even-numbered calendar year, either three or two trustees shall be elected to serve for a term of six years. In all such independent school districts in which the term of office of four elective trustees expire in 1930, their successors shall determine by lot which two shall serve for four years and which two shall serve for six years. Those members drawing numbers one and two shall serve for four years, and those members drawing the numbers three and four shall serve for six years. In all such independent districts in which the term of office of three elective trustees expire in 1931 their successors shall be elected for a term of one year, and biennially thereafter on the first Saturday in April of each even-numbered calendar year either

three trustees or two trustees shall be elected to serve for a term of six years. The members of the board remaining after a vacancy shall fill the same for the unexpired term.

Sec. 3. Notice of all elections for trustees in independent school districts heretofore created by special Act of the Legislature and having included within their boundaries a city whose population was in excess of 75,000 as shown by the Federal Census of 1920 shall be given in the manner and at the time required by such special Acts and such elections in any such districts shall be held in the manner and in conformity with special Acts creating such school districts.

Sec. 4. All laws and parts of laws, both general and special, in conflict with the provisions of this Act are hereby repealed.

Sec. 5. The importance of this Act and the near approach of the date of electing school trustees creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read in each house on three several days be suspended, and the same is hereby suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, Feb. 11, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 69, A bill to be entitled "An Act making it unlawful for the officers or trustees of any independent school district in this State to collect or receive from any non-resident high school pupil, residing in a school district having no high school, or from any other person for or on account of such student, any tuition or other compensation aside from that paid, either by the district in which such non-resident student resides, or by the State of Texas in accordance with the laws of this State. When the State Board of Education shall be advised of the violation of this Act by any such officers or trustees, it shall withhold State funds from the district in which such violation occurs unless

and until any and all such tuition or compensation collected from non-resident students in violation of this Act, shall be refunded to the person or persons paying the same, and declaring an emergency.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

NEAL, Chairman.

By Love.

S. B. No. 69.

A BILL

To Be Entitled

An Act making it unlawful for the officers or trustees of any independent school district in this State to collect or receive from any non-resident high school pupil, residing in a school district having no high school, or from any other person for or on account of such student, any tuition or other compensation aside from that paid, either by the district in which such non-resident student resides, or by the State of Texas in accordance with the laws of this State. When the State Board of Education shall be advised of the violation of this Act by any such officers or trustees, it shall withhold State funds from the district in which such violation occurs unless and until any and all such tuition or compensation collected from non-resident students in violation of this Act, shall be refunded to the person or persons paying the same, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be unlawful for the officers or trustees of any independent school district in this State to collect or receive from any non-resident high school pupil, residing in a school district having no high school, or from any other person for or on account of such student, any tuition or other compensation aside from that paid, either by the district in which such non-resident student resides, or by the State of Texas in accordance with the laws of this State. When the State Board of Education shall be advised of the violation of this Act by any such officers or trustees, it shall withhold

State funds from the district in which such violation occurs unless and until any and all such tuition or compensation collected from non-resident students in violation of this Act, shall be refunded to the person or persons paying the same, and declaring an emergency.

Sec. 2. The fact that under the existing laws the right is asserted by certain school districts to collect from non-resident high school students the tuition prohibited by this Act, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days, be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

EIGHTEENTH DAY.

Senate Chamber,
Austin, Texas,

Wednesday, Feb. 12, 1930.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Martin.	Small.
Parr.	Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senators Thomason and Patton:

S. B. No. 79, A bill to be entitled "An Act regulating the killing of wild turkeys in the counties composing the Third and Fifth Districts; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Woodul:

S. B. No. 80, A bill to be entitled "An Act to amend Article 2781, R. S. 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts, repealing all laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 81, A bill to be entitled "An Act to provide a period of time when continuity of failure to render land for taxes or otherwise exercise dominion over it shall prima facie prove title in persons paying taxes or exercising dominion over such land and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 82, A bill to be entitled "An Act amending Chapter 25, laws of the Regular Session, Forty-first Legislature, page 59, and providing authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the commission and of the counties therewith; and providing authority to county commissioners' courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the du-